

March 8, 2012

VIA ELECTRONIC MAIL

The Honorable David G. Larimer
United States District Judge
2500 Kenneth B. Keating Federal Building
100 State St.
Rochester, NY 14614



**Re: *Gedek v. Perez et al*, No. 6:12-cv-06051-DGL (W.D.N.Y.);
Greenwood v Perez et al, No. 6:12-cv-06056-DGL
(W.D.N.Y.); *Bolger v. Perez et al*, No. 6:12-cv-06067-DGL
(W.D.N.Y.); *Coletta v. Perez et al*, No. 6:12-cv-06071-DGL
(W.D.N.Y.);**

***Mauer v. The Eastman Kodak Savings and Investment Plan Committee et al*, No. 6:12-cv-06078 (W.D.N.Y.); and**

***Dale Toal et al v. Perez et al*, No. 6:12-cv-06080 (W.D.N.Y.)**

Dear Judge Larimer:

My firm represents Plaintiffs Dale Toal and Claude Matte ("Plaintiffs") in the matter of *Dale Toal et al v. Perez et al*, 6:12-cv-06080 (W.D.N.Y.), one of the above-captioned actions. All of the above-captioned actions ("Related Actions") name as defendants certain entities and employees of the Eastman Kodak Company ("Kodak" or the "Company") and have been filed as being related to each other. On February 17, 2012, my firm, on behalf of all plaintiffs in the Related Actions, submitted to Your Honor a letter setting forth a briefing schedule related to plaintiffs' motions for appointment of their respective counsel as interim co-lead class counsel and consolidation of the Related Actions. Plaintiffs proposed that by no later than February 24, 2012, Plaintiffs Toal, Matte, and Mauer would file their motion for appointment of their counsel as interim co-lead class counsel; by March 16, 2012, all plaintiffs would file their opposition briefs to the pending motions for appointment of interim class counsel; and by March 30, 2012, all plaintiffs would file reply briefs in support of their respective motions. Plaintiffs also respectfully requested a hearing on their respective motions.

On February 21, 2012, Your Honor endorsed plaintiffs' letter. The endorsed letter was entered on the *Toal* Docket on February 22, 2012. *See Toal* Dkt. No. 7. Plaintiffs Toal, Matte and Mauer in accordance with the endorsed briefing schedule filed their motion for appointment of their counsel as interim co-lead class counsel and consolidation of the Related Actions on

The Honorable David G. Larimer
March 8, 2012
Page 2

February 24, 2012 ("*Toal* Motion").¹ *See Toal* Dkt. Nos. 8-9. Subsequently, on March 5, 2012, the Court entered a scheduling order in the dockets of each of the Related Actions which set forth that all responding papers relevant to the *Toal* Motion must be filed with the Court by March 26, 2012. The March 5, 2012 scheduling order did not make reference to the February 22, 2012 order which set forth a different schedule.

Following my conversation with Your Honor's chambers yesterday, I was advised plaintiffs in the Related Actions should submit a proposed briefing schedule that incorporates and reconciles the March 5, 2012 scheduling order with the February 22, 2012 order. Accordingly, with Your Honor's endorsement, all plaintiffs in the Related Actions propose that by no later than March 26, 2012, all plaintiffs will file their opposition briefs to the pending motions for appointment of interim class counsel, and by April 9, 2012, all plaintiffs will file reply briefs in support of their respective motions. Plaintiffs also respectfully request a hearing on their respective motions.

If the foregoing is agreeable to Your Honor, Plaintiffs would appreciate it if you would endorse your order in the space provided below.

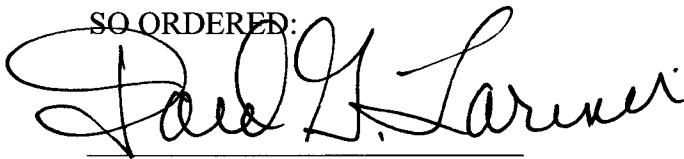
Thank you very much for your consideration in this matter.

Respectfully submitted,

KESSLER TOPAZ
MELTZER & CHECK, LLP

/s/ Mark K. Gyandoh
Mark K. Gyandoh

SO ORDERED:



The Honorable David G. Larimer

Dated:

March 12, 2012

cc: All counsel of record (via e-mail)

1

As noted in my letter of February 17, 2012, on February 13, 2012, Plaintiffs Gedek, Greenwood and Coletta collectively filed a motion for appointment of their respective counsel as interim co-lead class counsel and consolidation of the above-referenced cases. *See Gedek* Dkt. O. 13. On February 14, 2012, Plaintiff Bolger filed for appointment of his counsel as interim lead class counsel. *See Gedek* Dkt No. 14.